

United States Courts
Southern District of Texas
FILED

FEB 12 2020

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Carlos Mayo

CRIMINAL COMPLAINT

Case Number: C-20-507M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 26, 2020 in Brooks County, in the Southern District of Texas defendant, Carlos Mayo

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent Edwin Lopez

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

February 12, 2020

Date

Julie K. Hampton U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

Signature of Complainant

Edwin Lopez

Printed Name of Complainant

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Probable Cause/Facts:

On February 11, 2020, Border Patrol Agent (BPA) Valdez was assigned to primary inspection duties at the USBP Checkpoint near Sarita, Texas. Agents at the checkpoint planned a blitz between the hours of 12:00 a.m. to 2:00 a.m. of tractors to be X-rayed by the ZBF backscatter unit with prior consent from drivers. At approximately 1:55 a.m., a green Perterbilt Tractor displaying Georgia license plates, approached the primary inspection lane.

BPA Valdez asked the male driver, later identified as Carlos Mayo, if he was a United States citizen, to which he replied, "Yes." BPA Valdez asked Mayo if the trailer he was hauling was loaded and he replied, "Yes with produce." BPA Valdez then asked Mayo for consent to have his tractor-trailer X-rayed. Mayo gave consent and drove the tractor-trailer to the X-ray area.

During the X-ray of the tractor-trailer one subject was found hiding in the closet of the tractor. Subject was later identified as Javier LOPEZ-Lopez. BPA Ramos determined that LOPEZ was illegally present in the United States, and was a citizen of Mexico with no legal documents to remain in the United States.

Mayo and LOPEZ were placed under arrest and escorted in to the checkpoint for further investigation.

Miranda Rights:

Mayo and LOPEZ were read their Miranda Rights in their preferred language. Mayo and LOPEZ acknowledged they understood his rights and stated they were willing to provide statements without the presence of an attorney.

Defendant- Carlos Mayo:

Mayo states he left Laredo after unloading and arrived in Hidalgo, Texas on the evening of February 7, 2020. Mayo stated he stayed in Hidalgo waiting for a load until Monday, February 10, 2020. Mayo stated that after loading his trailer on Monday he went to Lowe's to purchase a lock for the trailer. Mayo states that after purchasing the lock he began traveling north with his load and made no other stops until reaching the United States Border Patrol checkpoint near Sarita, Texas. Mayo stated he did not know that anyone else was in the bed of his tractor truck.

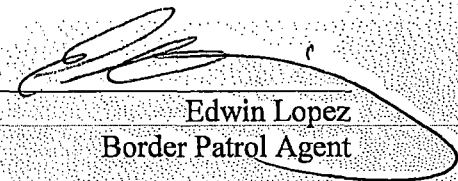
Material Witness- Javier LOPEZ-Lopez:

LOPEZ stated that he illegally entered the United States. LOPEZ stated that once in the United States, he and four other illegal aliens were picked up by an unknown male and taken to a stash house near McAllen, Texas. LOPEZ stated that he stayed at that stash house for two days. LOPEZ stated that his family made arrangements with an unknown man in Mexico to get him smuggled to Iowa. LOPEZ stated that he was picked up by an unknown male and taken to a gas station. LOPEZ stated that once at the gas station, he was told to get into the truck that was parked on the side of the road.

LOPEZ stated he entered the truck through the passenger side and sat on the bed in the cab area. LOPEZ stated that approximately five minutes later, an unknown male (Carlos Mayo) entered the tractor. LOPEZ states MAYO offered him a drink and told him to stay sitting on the bed. LOPEZ stated that once they were close to the USBP Checkpoint, Mayo instructed LOPEZ to get into the closet behind the passenger seat. LOPEZ stated Mayo told him he would let him know when he could get out of the closet.

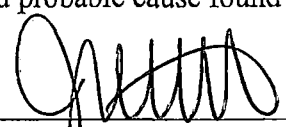
Disposition:

The facts of this case were presented to Assistant United States Attorney who accepted Carlos Mayo for prosecution for violating Title 8 USC 1324, Alien Smuggling. Javier LOPEZ-Lopez will be held as material witness in this case.



Edwin Lopez
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on the February 12, 2020.



Julie K. Hampton
United States Magistrate Judge